

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff(s),**

**CASE NUMBER: 05-80025**

**HONORABLE VICTORIA A. ROBERTS**

**v.**

**D-1 TIMOTHY DENNIS O'REILLY,**

**Defendant(s).**

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**ORDER GRANTING THE GOVERNMENT'S  
MOTION FOR ORDER DECLARING FIREWALL PROCEDURES MOOT**

Defendant Timothy O'Reilly requested appointment of firewall counsel to ensure the Government does not receive the results of his mental health examination, unless he is convicted of a capital crime. On December 18, 2009 and January 13, 2010, O'Reilly abandoned his request for the appointment of firewall counsel.

In response, on February 19, 2010, the Court struck O'Reilly's motion to appoint firewall counsel, withdrew its Order granting O'Reilly's motion, and found O'Reilly's motion to disqualify Assistant United States Attorney Steven Holtshouser as firewall counsel moot.

Before the Court is the Government's "Motion for Order Declaring Firewall Procedures Moot." (Doc. #473). The Government does not want AUSA Holtshouser to serve as firewall counsel; it seeks "unfettered access to AUSA Holtshouser for any and all purposes in this case including participation, if we so choose, in the guilt and penalty phases of the trial." In essence, AUSA Holtshouser would be another member of the

prosecution team.

The Government's request is **GRANTED**. There is no firewall counsel in this case, no restrictions against the Government's consultations with AUSA Holtshouser, and the Government has unfettered access to AUSA Holtshouser for any and all purposes.

**IT IS ORDERED.**

s/Victoria A. Roberts

Victoria A. Roberts

United States District Judge

Dated: May 10, 2010

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on May 10, 2010.

s/Linda Vertriest

Deputy Clerk